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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/383,857	08/26/1999	DAVID R. STAHL	STAHL-1	7118

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MENDELSON AND ASSOCIATES PC
1515 MARKET STREET
SUITE 715
PHILADELPHIA, PA 19102

EXAMINER

NGUYEN, CHAU T

ART UNIT

PAPER NUMBER

2152

DATE MAILED: 08/27/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/383,857

Applicant(s)

STAHL, DAVID R.

Examiner

Chau Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 August 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-24 are presented for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gile et al., Patent No. 6,317,779 and further in view of Gardell et al., Patent No. 6,049,831.

4. As to claim 1, Gile discloses a method for providing information over a computer network, comprising the steps of:

(a) providing for a user profile, wherein the user profile defines a schedule of one or more information requests (Abstract, col. 3, lines 10-27);

(b) preparing a set of information corresponding to each information request (Abstract, col. 3, lines 10-27); and

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(c) automatically delivering each set of information at a time based on the schedule (Abstract, col. 3, lines 10-27).

However, Gile does not disclose each information request having a different destination. In the same field of endeavor, Gardell discloses a user accesses a network from several devices (computer, television, etc...) to request for network information (Abstract, col. 6, line 50 – col. 8, line 19). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated requesting network information to different devices in a system for transmitting network-related information as taught by Gardell into a system and method for allowing a user to select and download audio/visual tracks from the Internet of Gile because it would allow more flexible ways of accessing networks, particularly the Web.

5. As to claim 2, Gile and Gardell (Gile-Gardell) disclose the corresponding destination for a particular information request is an Internet radio and the corresponding set of information has an audio format for rendering on the Internet radio (Gardell, col. 5, lines 17-25).

6. As to claim 3, Gile-Gardell disclose the corresponding destination for a particular information request is an Internet television and the corresponding set of information has an audio/video format for rendering on the Internet television (Gardell, col. 5, lines 17-25).

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7. As to claim 4, Gile-Gardell disclose the corresponding destination for a particular information request is a personal computer and the corresponding set of information has at least one of an audio, a video, and a text format for rendering on the personal computer (Gile, Abstract, and col. 3, lines 10-27).

8. As to claim 5, Gile-Gardell disclose step (a) further comprises the step of presenting a computer-based interface for a user to define the user profile (Gile, col. 2, lines 32-41)

9. As to claim 6, Gile-Gardell disclose step (c) further comprises the step of initiating a connection to the corresponding destination over the computer network at the time based on the schedule (Gile, col. 2, lines 10-31).

10. As to claim 7, Gile-Gardell disclose a first information request is associated with a first destination; and a second information request is associated with a second destination different from the first destination (Gardell, Abstract, and col. 6, line 50 – col. 8, line 19).

11. As to claim 8, Gile-Gardell disclose each of the first and second destinations is an Internet radio, and Internet television, or a personal computer (Gardell, Abstract, and col. 6, line 50 – col. 8, line 19).

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12. As to claim 9, Gile-Gardell disclose the sets of information for the first and second information requests are automatically delivered to the corresponding first and second destinations at different times based on the schedule (Gile, col. 1, lines 53-64, col. 3, lines 10-31, and col. 3, lines 4-27).

13. As to claim 10, Gile-Gardell disclose step (b) further comprises the step of converting format of the set of information based on the corresponding destination (Gardell, col. 4, lines 9-54).

14. As to claim 11, Gile-Gardell disclose step (b) further comprises the step of gathering the set of information from two or more different network-based sources of information (Gardell, col. 6, lines 16-49, and Fig. 6).

15. As to claim 12, Gile-Gardell disclose the step of providing a user with flexibility to modify the information requests or the corresponding destination or the schedule (Gile, col. 2, line 32 – col. 3, line 53).

16. Claims 13-24 are corresponding apparatus claims containing the similar limitations as the method described in the claims 1-12; therefore, they are rejected under the same rationale.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chau Nguyen whose telephone number is (703)305-4639. The Examiner can normally be reached on Monday-Friday from 7:30am to 4:30pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Mark Rinehart, can be reached at (703) 305-4815.

The fax phone numbers for the organization where this application is assigned are as follows:

(703) 746-7238 (After Final Communications only)

(703) 746-7239 (Official Communications)

(703) 746-7240(for Official Status Inquiries, Draft Communications only)

Inquiries of a general nature relating to the general status of this application or proceeding should be directed to the 2100 Group receptionist whose telephone number is (703) 305-3900.

Chau Nguyen
Patent Examiner
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A handwritten signature in black ink, appearing to read 'Le Hien Luu', is written over a horizontal line.

LE HIEN LUU
PRIMARY EXAMINER